

### REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated April 22, 2004, claims 1-21 are pending in the application. Claims 20 and 21 have been canceled above. Applicants respectfully request the Examiner for reconsideration.

Claims 1-7 and 9-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Breed* (6,209,909) in view of *Eibert* (5,621,807). Applicants respectfully traverse.

Claim 1 is directed to a precrash sensing system that is used to activate a countermeasure. The precrash sensing system includes an object sensor, an object classifier that generates an object classification signal corresponding to a type of a second vehicle and orientation signal corresponding to an orientation of the second vehicle in response to the object signal. A controller is coupled to the object sensor and the object classifier. The controller activates the countermeasure in response to the object distance, object azimuth, relative velocity, the orientation signal, and the object classification signal. The claims also recite that the orientation of the vehicle is determined by the object classifier. The Examiner agrees that the *Breed* reference does not teach an orientation determined by the object classifier. It should also be noted that the controller activates the countermeasure in response to the object distance, object azimuth position, relative velocity, the orientation signal, and the object classification signal. While the *Eibert* reference does teach determining a spatial orientation of an object, no teaching or suggestion is found in this reference for combining such a system with a precrash sensing system. That is, no teaching or suggestion is found for a controller that activates a countermeasure in response to the object distance, object azimuth position, relative velocity, orientation signal, and object classification signal. As mentioned above, the *Breed* reference also does not teach or suggest a controller that activates a countermeasure in response to such a system. Therefore, each element is not taught or suggested in either of the two references. It appears that the Examiner is forming a hindsight reconstruction of the application by looking to the *Eibert* reference for object orientation. A unique feature of the present application is the ability to activate a countermeasure in response to among other things object orientation. Therefore, applicants respectfully request the Examiner to reconsider the rejection of claim 1.

Claim 9 is also an independent claim and has similar limitations with respect to the orientation of the second vehicle as claim 1. Therefore, applicants respectfully request the Examiner to reconsider the rejection of claim 9 as well.

Claim 13 is also believed to be allowable for the same reasons set forth above. Claim 13 is a method claim, which also includes the orientation signal corresponding to the orientation of the second vehicle. Applicants therefore respectfully request the Examiner for reconsideration of claim 13 as well.

Also, claims 2-7, 10-12, and 14-19 are also believed to be allowable for the same reasons set forth above. Applicants therefore respectfully request the Examiner to reconsider these dependent claims for the same reasons set forth above.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Breed* and *Eibert* in view of *Foo* (6,036,225). The *Foo* reference also does not take into consideration the orientation of the vehicle. Nor does *Foo* provide any teaching or suggestion to form a system that uses object orientation to activate a counter measure. Applicants therefore respectfully request the Examiner for reconsideration of this claim as well.

In light of the above amendments and remarks, applicants submit that all objections and rejections are now overcome. Applicants respectfully submit that the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,



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